IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE D.S.R.VARMA
WRIT PETITION NO : 4780 of 1994

Between:
1. D. Satyavathi W/o. B.A. Vijayam, aged 56 years,
   Headmistress, R/o. Nandyal, Kurnool District.
2. A. Kanthamma W/o. Yesurathanam, aged 35 years,
   R/o.Nandyal, Kurnool District.

..... PETITIONERS

AND

1. The District Education Officer, Kurnool.
2. The Nandyal Field Association, Nandyal,
   represented by its President V.Sanjanna
3. Nandyal Polamu Telugu Baptist Sangamula Samajamu
   Nandyal rep. by its President G. Zacharaiah
4. D.C. David S/o. B. Mark, aged about 50 years,
   r/o,. Venkatachalam Colony, Nandyal, Kurnool Dist.
5. A. Andrews S/o. Lazarus, aged about 60 years,
   r/o Nandyal R.S.Kurnool District.

(R3 & 5 dismissed for default as per court order dt 3-8-1999)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that the High Court may be pleased to declare the action of the first respondent herein in with-holding the salaries payable to the petitioners herein since June, 1992 by contending that there is a dispute with regard to the approval of the correspondentship ignoring the request of the second respondent-Association wherein the President of the Association sought permission to the teaching staff to claim salaries individually through Headmistress till the dispute of the correspondentship is settled as illegal and arbitrary exercise of powers by issuance of Writ of Mandamus or any appropriate Writ, order or Direction.

Counsel for the Petitioners: MR. G.V.SHIVAJI

Counsel for the Respondent No.1: GP FOR SCHOOL EDUCATION

Counsel for the Respondents 2 & 4: None appears

The Court made the following:

ORAL ORDER:

This writ petition is filed seeking a declaration that the action of the first respondent in withholding the salaries payable to the petitioners since June, 1992, on the ground that there was a dispute with regard to approval of the correspondentship and also ignoring the request of the second respondent-Association, which sought permission to the teaching staff to claim salaries individually through the Headmistress till the dispute of correspondentship is settled, as illegal and arbitrary.

2. It appears that there was a dispute in the Management as regards the correspondentship.

3. From the counter-affidavit filed by the first respondent, the District Educational Officer, Kurnool, it could be seen that this Court in W.P.No.2394 of 1993 directed him to dispose of the representation of the fifth respondent herein against whom the writ petition was already dismissed. It was further stated that pursuant to the said direction, on receipt of proposals for change of correspondentship from one D.C.David to A.Andrews, as the former Correspondent, who is fourth respondent herein,

is not submitting the claims of the teachers for claiming salaries. It further appears from the counter-affidavit that the change of correspondentship in favour of the fifth respondent was approved by the first respondent through proceedings in Rc.No.Spl.B4/94, dated 30-3-1994. It was further stated that it is the legitimate duty of the Correspondent to send proposals regarding payment of salaries to the teaching staff. Finally, it was stated that regarding the arrears of salaries for the period from June, 1992 to February, 1994, steps have been taken by addressing a letter to the Director of School Education, Andhra Pradesh, Hyderabad, for release of budget provision, and on receipt of budget the same would be released for the above said period.

4. It is not known as to whether any proposals were sent by the Correspondent or any funds were released by the authorities concerned.

5. The interim direction granted by this Court in W.P.M.P.No.586 of 1994, dated 19-03-1994, is as under:

> “It is stated by the petitioners that they have already represented

to Respondent No-1 to pay them the salaries, as they are working as teachers in grant-in-aid posts in Stranger Memorial Aided Elementary School Davanger, Nandyal. If that be so, the Respondent No-1 may consider the request and take necessary action in accordance with Rules."

6. It could be further seen from the counter-affidavit, as already pointed out, that the issue of Correspondentship was settled by recognizing the fifth respondent herein, against whom the writ petition was dismissed, by proceedings, dated 30-03-1994.

7. Having regard to the facts and circumstances of the case, suffice it to dispose of the writ petition with a direction to the first respondent to consider the case of the petitioners as expeditiously as possible by taking all such necessary steps.

8. Accordingly, the writ petition is disposed of. However, there shall be no order as to costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Dated: 18th June, 2004.

Krk/ak*

Copies to

1.The District Education Officer, Kurnool.
2.Two CCs to the learned Government Pleader for School Education, High Court Buildings, Hyderabad (O.U.T).
3.Two CD copies.